

Responses to Written RFQ Questions

FM Metro Diversion

September 28, 2011

1. **Question:** Has the contract duration been established for the Project Management services contract?

Response: The contract will be part of the negotiation. We expect a five-year contract with options to renew as long as necessary to take the project to completion.

2. **Question:** Does the Diversion Authority have a minimum or maximum staffing range in mind?

Response: We recognize it will require a significant staffing effort by the Project Management Consultant (PMC) and level may vary over time. There are too many unknowns on the part of the Diversion Joint Powers Authority (JPA or Diversion Authority) to be able to suggest an exact level of staffing, but would expect the management costs to be a comparable percentage of the overall project costs as similar projects of this size.

3. **Question:** Please clarify the responsibilities and authorities of the Project Manager versus the Program Management Consultant.

Response:

We are using the terms "Project Management Consultant" and "Program Management Consultant" interchangeably. In addition to the PMC, the Diversion Authority anticipates the hiring of a Staff Project Manager. The Staff Project Manager would report to the Diversion Authority and serve as the primary point of contact between the PMC and the Diversion Authority. The position has not yet been recruited and timing of this hire is uncertain at this time.

4. **Question:** Please clarify the responsibilities and authorities of the various Committee(s). How will the PMC, Project Manager, and the various Committee(s) interact during the project execution?

Response: Given the size and complexity of the project, the JPA believes it is important to have specialty committees that deal with specific areas and make recommendations back to the Diversion Authority, much like a City Planning Commission or Finance Committee might make recommendations back to a City Commission. Each Committee will have a Committee Chair who will work closely with the Project Manager in those areas. Communications between the PMC and Committees would generally take place through the Project Manager, although it is likely the Project Management firm may be asked to provide briefings or updates to the various committees.

5. **Question:** Can the Diversion Authority provide a description of their authorities, bylaws and charter relative to their role on the project?

Response: We've included a copy of the joint powers agreement that was adopted by the six political subdivisions to form the Joint Powers Authority. The bylaws are currently being drafted by the legal team.

6. **Question:** Will the successful firm be allowed to do any design work on the diversion in regard to contracts let by the USACE?

Response: The JPA will rely on the PMC to review Corps of Engineer's designs on behalf of the JPA. Therefore, it would be preferable that the JPA's PMC not participate as the design firm. It is our understanding that the majority of the design work completed by the Corps of Engineers will be done by the Corps in-house staff so opportunities to contract with the Corps for design work will likely be very limited.

7. **Question:** Would local firm participation in the PMC preclude them from completing design on the diversion project?

Response: It is the desire of the JPA to keep the project management and design functions separate. If a local firm were part of a joint venture and therefore party to the project management contract between the JPA and the PMC, they would generally be precluded from design. However, the PMC would be allowed to subcontract work to a local design firm without precluding that local firm from participating in design contracts directly with the owner or with the PMC in some instances. The test would be to ensure no conflict of interest. For instance, if the PMC subcontracted a local firm to prepare a design scope of work and government estimate for a component of the project, that same local firm would not be expected to participate in the design of that component.

8. **Question:** Will the PMC consultant deliver and track communications in accordance to the communications plan prepared by others? Or is the PMC to prepare a communications plan for the project?

Response: Because of the immediate need for a communications consultant, the JPA has contracted with a firm for these services on a short-term basis. One of the short-term roles is to prepare a communications plan. During contract negotiations with the selected Project Management firm, the communications process and plan will be discussed. It is possible that the firm currently under short-term contract would become the permanent communications firm or this role could be assumed by the PMC. The initial communications plan will likely require updates and revisions.

9. **Question:** How will the role of the PMC selected be affected if federal funding on the project is delayed?

Response: It is the goal of the JPA to move the project forward as rapidly as practical. In the event that federal funding is delayed, the JPA will have to evaluate options ranging from delaying the project to overmatching early project elements with local funds to allow progress to continue on the project.

10. **Question:** Please provide a list of the permits the PMC would be required to obtain on behalf of the Diversion Authority for this project.

Response: We have not prepared a comprehensive permit list at this time.

11. **Question:** The RFQ requests the PMC to detail the Control Systems Manager. How will this position relate to the work conducted by the Finance Committee?

Response: The Finance Committee will have an oversight role regarding the project's finances. The PMC will have the responsibility for the financial management of the project and will be required to provide updates and reports to the Finance Committee.

12. **Question:** Will the successful firm be allowed to do any design work on the diversion on contracts let by the Diversion Authority? That is, the RFQ states that the PMC "may" design some portions of the work; can the Diversion Authority characterize the expected percentage of the work that the PMC would be expected to execute? And on what basis?

Response: Generally not. It is the intent of the JPA that the PMC represent the JPA in administering and coordinating design contracts and in reviewing designs prepared by the design consultants. The PMC may be asked to prepare design standards and concepts that ensure consistency in the designs prepared by the project design consultants. There may be small elements where the need for expediency dictates that the PMC prepare simple designs. We would expect these would be by exception and constitute a low percentage of the total design.

13. **Question:** The RFQ states that 11 point font is required. We are happy to comply for all text. We request that smaller fonts be allowed for use in graphics.

Response: Smaller fonts are allowable in graphics.

14. **Question:** The stated page limit for the submission is 50 pages. However, the SF330 typically requires Part II for every firm who is part of the team and for the offices from which key disciplines will be provided, and is often excluded from the page count. Please clarify if Part II is excluded from the page count.

Response: The 50-page limit for the submission will exclude the SF330 part II.

15. **Question:** The RFQ states that the PM Consultant role may preclude the consultant from participating in a design role. Have conditions been identified that would allow the PM Consultant or a member of the Consultant's team of firms to participate in a design role? Example: If a local firm works as a sub-consultant to a national firm on a PM Consultant Team, would that local firm be precluded from a design role? Another example: Could an engineering business unit of a local firm be a sub-consultant to the PM Consultant while a surveying and right-of-way business unit works below the "blue line?"

Response: It is the desire of the JPA to keep the project management and design functions separate. If a local firm were part of a joint venture and therefore party to the project management contract between the JPA and the PMC, they would be precluded from design. However, the PMC would be allowed to subcontract work to a local design firm without precluding that local firm from participating in design contracts directly with the owner or with the PMC in some instances. The test would be to ensure no conflict of interest. For instance, if the PMC subcontracted a local firm to prepare a design scope of work and government estimate for a component of the project, that same local firm would not be expected to participate in the design of that component.

16. **Question:** Was the organizational structure developed with Corps input?

Response: No. Corps representatives have had an opportunity to see the proposed organization structure, but did not have any direct input into it.

17. **Question:** What is the PM Consultant's annual budget?

Response: A budget has not been established at this point.

18. **Question:** What work will cascade below the "blue line" to the local consultants?

Response: Significant amounts of the work below the blue lines will likely be done by local consultants, but specifics have not been determined at this time.

19. **Question:** The “Services and Tasks” suggests under “provide in-house engineering etc.” that the PM Consultant may have a design role. Is this an accurate interpretation of the Diversion Authority’s intent?

Response: It is the intent of the JPA that the PMC represent the JPA in administering and coordinating design contracts and in reviewing designs prepared by the design consultants. The PMC may be asked to prepare design standards and concepts that ensure consistency in the designs prepared by the project design consultants. There may be small elements where the need for expediency dictates that the PMC prepare simple designs. We would expect these would be by exception and constitute a low percentage of the total design.

20. **Question:** SF 330 part II information includes details on firm locations and staffing. Could this be included as an appendix to the submittal and not count against the 50-page limit? Larger teams and firms where pertinent staff exists in widespread offices would be at a disadvantage regarding page limit if part II is considered against the 50-page limit.

Response: The 50-page limit for the submission will exclude the SF330 part II.

21. **Question:** Will the PM Consultant be reviewing Corps of Engineers work?

Response: Yes, they will review the Corps of Engineers work on the owner’s behalf.

22. **Question:** Is the project described in the advertisement the same as, related to, part of the local matching work, or different from the USACE project?

Response: The PMC role will be to represent the owner and assist the owner in carrying out the owner responsibilities regarding the project. The owner’s responsibilities will include but not necessarily be limited to having a lead role on right of way acquisition, utilities relocations, bridges and roads, and other project components. It will also include overall program management on the owner’s behalf.

23. **Question:** Can you provide further information related to estimated duration, level of effort, and timing for the scope of work in the RFQ?

Response: It is anticipated that the PMC contract will be for five years with options to renew the contract for as long as necessary for the duration of the project design and construction.

24. **Question:** USACE typically does contract administration and inspection on their projects, but the RFQ requests similar services. Is the work described here local matching work that’s part of the cost-sharing match? Prep work in anticipation of the project? Or part of the USACE effort?

Response: The work described includes all those areas of owner responsibility.

25. **Question:** What is the anticipated interface of the PM Consultant between the locally-scheduled/planned/budgeted items and those of the federal side?

Response: The PMC will work on the owner's behalf both in areas where the JPA has a lead role and in representing the owner to the Corps in areas where the Corps has a lead role.

26. **Question:** It appears that the workload could vary widely based on project status. Is there an expected minimum base workforce that's expected to be on the ground throughout project execution that then gets supplemented, as needed, during the project life depending on what's occurring (i.e., design reviews, construction inspection, etc.)?

Response: Yes.

27. **Question:** Is the consultant's core staff expected to be co-located with Diversion Authority staff? If so, where?

Response: The PMC will have to have some level of local presence. Details have yet to be worked out.

28. **Question:** Given the PM Consultant's role in reviewing documentation, designs, etc., is there a limitation of liability associated with this review role and overall project administration? Similarly, who is responsible for project cost control - USACE, other consultant designers, the Authority, or the PM Consultant?

Response: The PMC liability will be providing professional services and have liability similar to any other professional services contract. Details regarding insurance coverage and limitations of liability will be discussed and reviewed by appropriate legal counsel during contract negotiation. The PMC will have a role and shared responsibility with the JPA in cost control for those areas under the owner's control.

29. **Question:** Are there specific expectations related to skills/qualifications/registrations that are desired of the key staff?

Response: Key staff will be required to demonstrate experience and expertise in projects of similar nature and size. See RFQ for selection process and evaluation criteria

30. **Question:** Under what circumstances would the PM Consultant team be precluded from proposing/applying for design work on either additional local project or the USACE project?

Response: The PMC will be precluded from participating on a high percentage of the design work. It is the intent of the JPA that the PMC represent the JPA in administering and coordinating design contracts and in reviewing designs prepared by the design consultants. The PMC may be asked to prepare design standards and concepts that ensure consistency in the designs prepared by the project design consultants. There may be small elements where the need for expediency dictates that the PMC prepare simple designs. We would expect these would be by exception and constitute a low percentage of the total design.

31. **Question:** Is the PM expected to develop a construction phasing plan or will this be provided by the USACE? If this is being developed by the USACE, may we have a copy of it?

Response: A copy of the draft phasing plan prepared by the Corps in July 2011 (without appendix) is included.

32. **Question:** It is the understanding of the proposer that the Diversion Authority will not expect the PM to act as a prime contractor and will not require the PM to sign contracts on behalf of the Diversion Authority. Is this true?

Response: Yes. The PMC may have its own sub-consultants but will not be expected to sign contracts on the owner's behalf.

33. **Question:** Will the PM act as a QA/QC manager over the design process? How are you differentiating the role locally versus interaction with USACE?

Response: Yes the PMC will have QA/QC functions during the design phase for both those design components led by the JPA as well as review of the Corps lead components.

34. **Question:** How will the Diversion Authority conduct the bidding and selection process for construction, again with respect to local versus federal requirements?

Response: To be determined. Preparation of a procurement plan is part of the PMC role.

35. **Question:** Are the insurance requirements spelled out in another document? We didn't see them here.

Response: Insurance requirements are currently under review by the JPA legal team and will be resolved during contract negotiations.

36. **Question:** Does the 50-page submittal limit include the SF330 Part IIs?

Response: The 50-page limit for the submission will exclude the SF330 part II.